



GYDE Consulting on behalf of  
Pallas Investment Management Pty Ltd  
Level 6, 120 Sussex Street  
SYDNEY NSW 2000

D70/2020  
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 70/2020/3 - APPROVAL**

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**Development Consent Number:** 70/2020

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**Land to which this applies:** 5 Colindia Avenue, Neutral Bay  
Lot No.: 11, DP: 542673

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**Applicant:** GYDE Consulting on behalf of Pallas Investment Management Pty Ltd

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**Proposal:** Modification of consent for demolition of existing residential flat building and construction of a residential flat building with basement parking - s.4.55(1A)

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Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **70/2020** and registered in Council's records as Application No. **70/2020/3** relating to the land described as **5 Colindia Avenue, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **4 November 2020**, has been determined in the following manner:

**The following conditions are to be amended as follows:**

**A. Conditions that Identify Approved Plans**

**Development in Accordance with Plans/Documentation**

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Dated
DA101	H	Basement 2 Plan	PBD Architects	9/02/2021
DA102	H	Basement 1 Plan	PBD Architects	9/2/2021
DA103	G	Ground Floor Plan	PBD Architects	9/02/2021

DA104	F	Level 1 Plan	PBD Architects	9/02/2021
DA105	F	Level 2 Plan	PBD Architects	9/02/2021
DA106	E	Level 3 Plan	PBD Architects	9/02/2021
DA107	E	Roof Plan	PBD Architects	20/04/2021
DA201	H	Elevations North and East	PBD Architects	27/07/2022
DA202	H	Elevations South and West	PBD Architects	27/07/2022
DA301	F	Section A	PBD Architects	20/04/2021
DA302	C	Section B and C	PBD Architects	26/11/2020
DA304	C	Section F, G and H	PBD Architects	21/10/2020
DA400	C	Material Schedule	PBD Architects	27/07/2022
DA00	4	Site Plan	Wyer and Co	26/10/2020
DA01	4	Ground Floor	Wyer and Co	26/10/2020
DA02	4	Level 1	Wyer and Co	26/10/2020
DA03	4	Level 2	Wyer and Co	26/10/2020
DA04	4	Level 3	Wyer and Co	26/10/2020
DA05	4	Landscape Sections	Wyer and Co	26/10/2020

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

#### **External Finishes and Materials**

A4. External finishes and materials must be in accordance with the submitted schedule dated 27/7/2022, prepared by PBD Architects unless otherwise modified by Council in writing.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

The proposal has been assessed under the relevant Environmental Planning Instruments and policies including NSLEP 2013, SEPP 65 and the Apartment Design Guide, and NSDCP 2013 and general found to be satisfactory, subject to conditions of consent.

The proposal is a permissible form of development in the R4 zone.

#### **Reasons for Approval:**

The proposed modified development is satisfactory with regard to aesthetics, streetscape and character.

The application was not notified and no submissions were received.

Having regard to the merits of the proposal, the application is recommended for approval subject to modified conditions.

#### **How community views were taken into account:**

The proposal is considered to be in the public interest for the reasons stated throughout this report.

The conditions attached to the original consent for Development Application No. **70/2020/3** by endorsed date of **4 November 2020** still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **George Youhanna**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of *the Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
  - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
  - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of *the Environmental Planning and Assessment Act, 1979* (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of *the Environmental Planning and Assessment Act*.

**Endorsed for and on behalf of North Sydney Council**

**23 November 2022**

DATE



Signature on behalf of consent authority  
GEORGE YOUHANNA  
EXECUTIVE PLANNER